



February 13, 2009

HOUSE BILL No. 1607

DIGEST OF HB 1607 (Updated February 11, 2009 1:21 pm - DI 96)

Citations Affected: IC 36-7.5.

Synopsis: West Lake commuter rail project. Requires a city or county that participates in the northwest Indiana regional development authority to remain a member for at least ten years. Prescribes the terms for withdrawing from the development authority. Requires the development board of the northwest Indiana regional development authority to separately account for money received or designated for construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of a West Lake commuter rail line.

Effective: Upon passage.

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January 16, 2009, read first time and referred to Committee on Roads and Transportation.
February 12, 2009, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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HB 1607—LS 6773/DI 51+



February 13, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1607

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-7.5-1-18 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 18. "West Lake line" means a commuter**
4 **transportation district project that extends passenger rail service**
5 **by the Chicago, South Shore, and South Bend Railroad along a**
6 **route to either or both of the following:**

7 (1) **Lowell.**

8 (2) **Valparaiso.**

9 SECTION 2. IC 36-7.5-2-3.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) A county or city that**
12 **participates in the development authority under this chapter must**
13 **be a member of the development authority for at least ten (10)**
14 **years after the date the county or city becomes a member of the**
15 **development authority.**

16 (b) **At least twelve (12) months and not more than eighteen (18)**
17 **months before the end of a ten (10) year period under subsection**

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(a), the fiscal body of a county or city participating in the development authority must adopt a resolution that:

(1) commits the county or city to an additional ten (10) years as a member of the development authority, beginning at the end of the current ten (10) year period; or

(2) withdraws the county or city from membership in the development authority not earlier than the end of the current ten (10) year period.

(c) The fiscal body of a county or city that participates in the development authority must adopt a resolution under subsection (b) during each ten (10) year period in which the county or city is a member of the development authority.

(d) A county or city may withdraw from a development authority as provided in this section only with the approval of the development board.

(e) If at the end of a ten (10) year period a county or city described withdraws from the development authority under this section:

(1) the terms of members of the development board from that county or city are terminated upon the effective date of the withdrawal of the county or city; and

(2) the county or city that withdraws from the development authority is liable to the development authority for:

(A) any unpaid transfers under this article that become due before the withdrawal of the county or city from the development authority is effective; and

(B) amounts due under any bonds issued or lease rental agreements entered into before the withdrawal of the county or city from the development authority is effective.

SECTION 3. IC 36-7.5-4-1, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The development board shall establish and administer a development authority fund.

(b) The development authority fund consists of the following:

(1) Riverboat admissions tax revenue, riverboat wagering tax revenue, or riverboat incentive payments received by a city or county described in IC 36-7.5-2-3(b) and transferred by the county or city to the fund.

(2) County economic development income tax revenue received under IC 6-3.5-7 by a county or city and transferred by the county or city to the fund.

(3) Amounts distributed under IC 8-15-2-14.7.

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(4) Food and beverage tax revenue deposited in the fund under IC 6-9-36-8.

(5) Funds received from the federal government.

(6) Appropriations to the fund by the general assembly.

(7) Other local revenue appropriated to the fund by a political subdivision.

(8) Gifts, donations, and grants to the fund.

(c) ~~On the date the development authority issues bonds for any purpose under this article, which are secured in whole or in part by The development authority shall establish a development authority fund. The development board shall establish and administer two (2) accounts within the development authority fund: The accounts shall be the a general account, and the a lease rental account, After the accounts are established, and such other accounts in the fund as are necessary or appropriate to carry out the powers and duties of the development authority. Except as otherwise provided by law or agreement with holders of any obligations of the development authority, all money transferred to the development authority fund under subsections subsection (b)(1), (b)(2), and (b)(4) shall be deposited in the lease rental account and used only for the payment of or to secure the payment of obligations of an eligible political subdivision under a lease entered into by an eligible political subdivision and the development authority under this chapter. However, any money deposited in the lease rental account and not used for the purposes of this subsection shall be returned by the treasurer of the development authority to the respective counties and cities that contributed the money to the development authority.~~

(d) ~~Notwithstanding subsection (c);~~ If the amount of all money transferred to the development authority fund under ~~subsections subsection (b)(1), (b)(2), and (b)(4)~~ for deposit in the lease rental account in any one (1) calendar year is greater than an amount equal to:

(1) one and twenty-five hundredths (1.25); multiplied by

(2) the total of the highest annual debt service on any bonds then outstanding to their final maturity date, which have been issued under this article and are not secured by a lease, plus the highest annual lease payments on any leases to their final maturity, which are then in effect under this article;

~~then~~ all or a portion of the excess may instead be deposited in the general account.

(e) **Except as otherwise provided by law or agreement with the holders of obligations of the development authority, all other money and revenues of the development authority may be deposited in the**

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1 general account or the lease rental account at the discretion of the
 2 development board. Money on deposit in the lease rental account may
 3 be used only to make rental payments on leases entered into by the
 4 development authority under this article. Money on deposit in the
 5 general account may be used for any purpose authorized by this article.

6 (f) The development authority fund shall be administered by the
 7 development authority.

8 (g) Money in the development authority fund shall be used by the
 9 development authority to carry out this article and does not revert to
 10 any other fund.

11 **(h) The development authority shall account separately for**
 12 **money accruing to or designated by the development authority for**
 13 **the construction, reconstruction, renovation, purchase, lease,**
 14 **acquisition, and equipping of a West Lake line. The money may be**
 15 **used only for the following purposes:**

16 (1) Providing funding to assist a commuter transportation
 17 district in an eligible county in the construction,
 18 reconstruction, renovation, purchase, lease, acquisition, and
 19 equipping of the West Lake line.

20 (2) Using the development authority's funds to match federal
 21 grants or make loans, loan guarantees, or grants to facilitate
 22 the construction, reconstruction, renovation, purchase, lease,
 23 acquisition, and equipping of the West Lake line.

24 (3) Exercising any other power or duty of the development
 25 authority to facilitate the construction, reconstruction,
 26 renovation, purchase, lease, acquisition, and equipping of the
 27 West Lake line, including the issuance of bonds, the
 28 establishment of reserves, the acquisition of property, and the
 29 entering into of leases and other agreements.

30 SECTION 4. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1607, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

AUSTIN, Chair

Committee Vote: yeas 11, nays 0.

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